

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERTO THOMPSON, :  
Plaintiff, : 1:14-cv-1199  
: :  
v. : Hon. John E. Jones III  
: :  
WARDEN J.E. THOMAS, *et al.*, :  
Defendants. :  
:

**ORDER**

**September 21, 2015**

Upon consideration of Defendants' motion (Doc. 24) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), and for summary judgment pursuant to Federal Rule of Civil Procedure 56, and for the reasons stated in the court's memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. Defendants' motion (Doc. 24) to dismiss is **GRANTED**.
2. The complaint against Defendant Johnson is **DISMISSED** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
3. The Clerk of Court is directed to **CLOSE** this matter.
4. Any appeal from this order is **DEEMED** frivolous and not in good faith. *See* 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III  
John E. Jones III  
United States District Judge